

**Docket No.: 5490UK-000002/US/NP  
(PATENT)**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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In re Patent Application of:  
Nick J. Metcalfe et al.

Application No.: 10/559,151

Confirmation No.: 9063

Filed: December 5, 2005

Art Unit: N/A

For: Surgical Device

Examiner: Not Yet Assigned

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**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 USC 371  
AND PETITION FOR EXTENSION OF TIME**

MS PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated / Elected Office (DO/EO/US), mailed March 17, 2006, Applicant respectfully submits a Combined Declaration and Power of Attorney, a Statement Under 37 CFR 3.73(b) with a copy of the signed Assignment, a Petition for Extension of Time, and an additional copy of the Notification of Missing Requirements.

In reviewing the signed Declaration and Power of Attorney, submitted herewith, it was noted that the address of Applicant Nick James Theophilus METCALFE has changed.

Accordingly, submitted herewith is a corrected Application Data Sheet along with a marked-up version of the original Application Data Sheet indicating the change of address.


Please replace the Data Sheet as originally filed with this corrected version and enter this updated information in the official records of the USPTO.

Applicant hereby petitions under the provisions of 37 C.F.R. § 1.136(a) for a one month extension of time in which to respond to the Notification of Missing Requirements and includes a fee as set forth in 37 C.F.R. § 1.17(a) with this response for such extension of time.

Two checks totalling \$250.00 (\$130 – late filing of Declaration and \$120 – 1 month extension of time) covering the fees set forth in 37 CFR 1.492(h) and 1.136(a) are enclosed. The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 08-0750, under Order No. 5490UK-000002/US/NP.

Dated: June 19, 2006

Respectfully submitted,

By   
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5490UK-000002/NP  
Missing Requirements  
Due 5-17-2006

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UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
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Alexandria, Virginia 22313-1450  
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JSJF  
JRWAR

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/559,151	Nick J Metcalfe	5490UK-000002/US/NP

INTERNATIONAL APPLICATION NO.
PCT/GB04/02367

I.A. FILING DATE	PRIORITY DATE
06/04/2004	06/06/2003

27572  
HARNESS, DICKEY & PIERCE, P.L.C.  
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BLOOMFIELD HILLS, MI 48303

CONFIRMATION NO. 9063

371 FORMALITIES LETTER



\*OC00000018184117\*

Date Mailed: 03/17/2006

**NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 12/05/2005
- Copy of the International Search Report filed on 12/05/2005
- Copy of Article 19 Amendments filed on 12/05/2005
- Preliminary Amendments filed on 12/05/2005
- Information Disclosure Statements filed on 12/05/2005
- U.S. Basic National Fees filed on 12/05/2005
- Substitute Specification filed on 12/05/2005
- Priority Documents filed on 12/05/2005

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

**SUMMARY OF FEES DUE:**

Total additional fees required for this application is \$130 for a Large Entity:

- \$130 Surcharge.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

FREDERICK SMITH

Telephone: (703) 308-9140 EXT 210

**PART 1 - ATTORNEY/APPLICANT COPY**

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/559,151	PCT/GB04/02367	5490UK-000002/US/NP

FORM PCT/DO/EO/905 (371 Formalities Notice)